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Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARRY CALDWELL,

Plaintiff,

vs.

**ROSEVILLE JOINT UNION HIGH
SCHOOL DISTRICT; JAMES
JOINER, et al,**

Defendants.

CASE NO. 2:05-CV-00061-FCD-JFM

**STIPULATION AND ORDER RE
SCHEDULING OF CROSS-MOTIONS
FOR PARTIAL SUMMARY JUDGMENT**

STIPULATION

Defendants have filed two Motions for Partial Summary Judgment and a Motion for Sanctions that are currently set for hearing on August 4, 2006.

Plaintiff plans to file at least one and probably three Motions for Partial Summary Judgment on or before August 4, 2006, to be noticed for hearing on September 15, 2006.

Plaintiff and defendants are in agreement that it is desirable to have their respective Motions for Partial Summary Judgment heard on the same date.

Therefore, Plaintiff and his co-counsel, on the one hand, and Defendants, through their attorney of record, on the other hand, have stipulated that the hearing on Defendants' two Motions for Partial Summary Judgment and Defendants' Motion for Sanctions will be continued from August 4, 2006 to September 15, 2006, so that Plaintiff's Motions and Defendants' Motions can be heard at the same time, and that Plaintiff will file and serve his Motion(s) for Partial Summary Judgment on or before August 4, 2006, to be noticed for hearing on September 15, 2006.

The briefing schedule for Defendants' motions and Plaintiffs' motions will be according to the Eastern District's Local Rules as calendared on the basis of the September 15, 2005 hearing date.

However, as part of this stipulation, Plaintiff stipulates in advance that ,after Plaintiff files his moving papers for his Motion(s) for Partial Summary Judgment, Plaintiff, upon request by Defendants, will agree to an order granting a further continuance of the joint hearing date for Plaintiff's Motion(s) and Defendants' Motions from September 15, 2006 to the first date available on this court's motion calendar that is two weeks after September 15, 2006 (in order to give defendants an additional two weeks to respond to Plaintiff's Motion(s) if defendants determine that such additional time to respond is needed). If defendants elect to request such additional continuance of the joint hearing on the motions, counsel for defendants will prepare and file an appropriate Stipulation and Order regarding such additional continuance to the court.

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1 DATED: July 14, 2006

By: /s/ Larry Caldwell

2 Larry Caldwell
3 Plaintiff in Pro Per

4 DATED: July 14, 2006

PACIFIC JUSTICE INSTITUTE

6 By: /s/ Kevin T. Snider

7 Kevin T. Snider, Esq.,
8 Attorney for Plaintiff

9 DATED: July 14, 2006

EVANS, WEICKOWSKI & WARD, LLP

12 By: /s/ Matthew D. Evans

13 Mathew D. Evans, Esq.,
14 Attorneys for Defendants

ORDER

15 Based upon the foregoing stipulation by the parties, the court orders as follows:

16 The hearing date on Defendants' two Motions for Partial Summary Judgment and
17 Motion for Sanctions are continued from August 4, 2006 to September 15, 2006.

18 Plaintiff is ordered to file and serve any Motions for Partial Summary Judgment that he
19 wants heard on or before August 4, 2006, and to notice Plaintiff's Motions for Partial Summary
20 Judgment for hearing on September 15, 2006 at 10:00 a.m. in Courtroom #2.

21 **IT IS SO ORDERED.**

22 Dated: July 18, 2006

23 /s/ Frank C. Damrell Jr.
24 FRANK C. DAMRELL, JR.,
25 UNITED STATES DISTRICT JUDGE